

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Denni Cotera**

Case No.: 17-34921

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: 1/1/2020

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney AK Initial Debtor: D C Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay 1846.54 per month for 9 months 1946.86 per month for 15 months 200.00 per month for 21 months to the Chapter 13 Trustee, starting on ____ for approximately 0 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ 0.00 to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$0.00____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).DEBTOR HAS RECEIVED A LOAN MODIFICATION

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-					
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE
 Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE
 The following secured claims are unaffected by the Plan:
Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification <input checked="" type="checkbox"/> NONE	
If this Plan modifies a Plan previously filed in this case, complete the information below. Date of Plan being modified: _____.	
Explain below why the plan is being modified:	Explain below how the plan is being modified:
DEBTOR HAS RECEIVED A LOAN MOD	SECURED CREDITOR NO LONGER PAID THROUGH PLAN

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required
Non-Standard Provisions Requiring Separate Signatures:
<input checked="" type="checkbox"/> NONE
<input type="checkbox"/> Explain here:
Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>January 10, 2020</u>	<u>/s/ Denni Cotera</u> Denni Cotera Debtor
Date: _____	_____ Joint Debtor
Date: <u>January 10, 2020</u>	<u>/s/ Andre L. Kydala, Esq.</u> Andre L. Kydala, Esq. ALK-2393 Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
DENNI COTERA
DebtorCase No. 17-34921-VFP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 41

Date Rcvd: Jan 17, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 19, 2020.

db DENNI COTERA, 6 Park Rd, Paterson, NJ 07514-1321
 aty +Andre L. Kydala, PO Box 5537, Clinton, NJ 08809-5537
 cr +Seterus, Inc., authorized servicer for Federal, P.O. Box 1047, Hartford, CT 06143-1047
 517268470 ACS/Bank of America,, C/O ACS, Utica,, NY 13501
 517268471 +Amex,, PO Box 297871,, Fort Lauderdale, FL 33329-7871
 517223843 Bank of America, PO Box 31785, Tampa, FL 33631-3785
 517223842 Bank of America, C/O RMS, 14405 Walters Rd Ste 200, Houston, TX 77014-1345
 517268472 +Bank of America,, 4909 Savarese Circle,, Tampa, Florida 33634-2413
 517286586 Bank of America, NA, P.O. Box 31785, Tampa, FL 33631-3785
 517268473 +CBNA,, PO Box 6283,, Sioux Falls, SD 57117-6283
 517268474 +Chase Auto,, PO Box 901003,, Ft Worth, TX 76101-2003
 517268475 +Chase Card,, PO Box 15298,, Wilmington, DE 19850-5298
 517268476 +Citi,, PO Box 6241,, Sioux Falls, SD 57117-6241
 517268477 +Citi/Stndt Ln Rsrc Cnt,, 701 E. 60th Street North,, Sioux Falls, SD 57104-0432
 517342659 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 517268480 +DSNB Macys,, PO Box 8218,, Mason, OH 45040-8218
 517268481 +Fia CS,, PO Box 982238,, El Paso, TX 79998-2238
 517268482 +First Data,, 265 Broad Hollow Road,, Melville, NY 11747-4833
 517268484 +Hy Cite/ Royal Prestige,, 333 Holtzman Road,, Madison, WI 53713-2109
 517223844 KML LAW GROUP, 216 Haddon Ave Ste 406, Westmont, NJ 08108-2812
 518284140 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 518284141 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9741,
 Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 517268485 ++SETERUS INC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Seterus, Inc., 14523 SW Millikan Way Street,,
 Beaverton, OR 97005)
 517342108 +Seterus, Inc., authorized servicer for, Federal National Mortgage Assoc. (Fanni,
 creditor c/o Seterus, Inc., P.O. Box 1047, Hartford, CT 06143-1047
 517833832 +TD Auto Finance LLC, Attn: Richard J. Tracy, 30 Montgomery Street, Suite 1205,
 Jersey City, NY 07302-3835
 517268488 +TD Auto Finance,, PO Box 9223,, Farmington, Hills, MI 48333-9223
 517268489 +THD,, PO Box 6497,, Sioux Falls, SD 57117-6497
 517268490 +Toyota Motor Credit,, PO Box 9786,, Cedar Rapids, IA 52409-0004
 517268491 +US Dept of Ed,, 2401 International Lane,, Madison, WI 53704-3121
 517291661 +Wells Fargo Bank, N.A., 435 Ford Road, Suite 300, St. Louis Park, MN 55426-4938

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 18 2020 00:24:52 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustregion03.ne.ecf@usdoj.gov Jan 18 2020 00:24:46 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517268487 +E-mail/PDF: gecsedirecoverycorp.com Jan 18 2020 00:28:44 Care Credit,, PO Box 965036,,
 Orlanda, FL 32896-5036
 517268478 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jan 18 2020 00:24:31 Comenity Bank/Express,,
 PO Box 182789,, Columbus, OH 43218-2789
 517335763 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2020 00:24:38
 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 517241773 E-mail/Text: mrdiscen@discover.com Jan 18 2020 00:23:46 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 517268479 +E-mail/Text: mrdiscen@discover.com Jan 18 2020 00:23:46 Discover Fin Svcs LLC,,
 PO Box 15316,, Wilmington, DE 19850-5316
 517268483 +E-mail/Text: ally@ebn.phinsolutions.com Jan 18 2020 00:23:41 GMAC,, PO Box 105677,,
 Atlanta, GA 30348-5677
 517331637 E-mail/Text: bnc-quantum@quantum3group.com Jan 18 2020 00:24:38
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 517268486 +E-mail/PDF: gecsedirecoverycorp.com Jan 18 2020 00:30:11 Synch/Amer Eagle,,
 PO Box 965005,, Orlanda, FL 32896-5005
 517227672 +E-mail/PDF: gecsedirecoverycorp.com Jan 18 2020 00:30:06 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 41

Date Rcvd: Jan 17, 2020

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 19, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 17, 2020 at the address(es) listed below:

Andre L. Kydala on behalf of Debtor DENNI COTERA kydalalaw@aim.com, kydalalaw@aim.com
Brian C. Nicholas on behalf of Creditor BANK OF AMERICA, N.A. bnicholas@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor BANK OF AMERICA, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa N. Licker on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
NJ_ECF_Notices@mccalla.com
Phillip Andrew Raymond on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
phillip.raymond@mccalla.com
Rebecca Ann Solarz on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
rsolarz@kmlawgroup.com
Rebecca Ann Solarz on behalf of Creditor BANK OF AMERICA, N.A. rsolarz@kmlawgroup.com
Richard James Tracy, III on behalf of Creditor TD Auto Finance LLC rtracy@hillwallack.com,
tshariff@schillerknapp.com/kcollins@schillerknapp.com/ahight@schillerknapp.com
Robert P. Saltzman on behalf of Creditor Seterus, Inc., authorized subservicer for Federal
National Mortgage Association ("Fannie Mae"), a corporation organized and existing under the
laws of the United States of America dnj@pbslaw.org
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11